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Attorneys for USACM Liquidating Trust

E-Filed on 10/1/2009

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund,
LLC,
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund,
LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Status And Agenda For October 5,
2009 Hearings filed by USACM
Liquidating Trust**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

1. Order Re Status Hearing: 08-01066-lbr DEBT ACQUISITION
COMPANY OF AMERICA V, LLC v. COMPASS USA SPE, LLC et al (ap) Lead case:
06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

Filed: Order Re Status Hearing. Continued Status hearing to be held on
08/27/2009 10/5/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal
Bldg.[66]

Status Debt Acquisition Company of America V, LLC, represented by
Dean T. Kirby, Jr., has been granted leave to substitute as plaintiff
and to prosecute this action.

2. Adversary case 08-01134. Complaint Filed by USACM LIQUIDATING TRUST, USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC vs. MARY PETERSEN, MARY PETERSEN FAMILY TRUST DTD 8/12/98, MICHAEL D PETERSEN, MICHAEL D PETERSEN FAMILY TRUST DTD 8/12/98, KATHRYN L PETERSEN, KATHRYN L. PETERSEN LIVING TRUST, KLP TRUST DTD 7/15/99: Lead case: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Filed: Adversary case 08-01134. Complaint Filed by USACM
04/12/2008 LIQUIDATING TRUST, USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC vs. MARY PETERSEN, MARY PETERSEN FAMILY TRUST DTD 8/12/98, MICHAEL D PETERSEN, MICHAEL D PETERSEN FAMILY TRUST DTD 8/12/98, KATHRYN L PETERSEN, KATHRYN L. PETERSEN LIVING TRUST, KLP TRUST DTD 7/15/99 Fee Amount \$250. (13 (Recovery of money/property - 548 fraudulent transfer)(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))(JONES, ERIN) [1]

06/30/2008 Answer to Complaint DEFENDANT MICHAEL PETERSEN, INDIVIDUALLY AND AS TRUSTEE OF THE MICHAEL PETERSEN FAMILY TRUST ANSWER TO USACM LIQUIDATING TRUST'S AND DTDF'S ORIGINAL COMPLAINT AND CLAIM OBJECTION (Related Doc # [1]) Filed by TIMOTHY R. O'REILLY on behalf of MICHAEL D PETERSEN FAMILY TRUST DTD 8/12/98, MICHAEL D PETERSEN (O'REILLY, TIMOTHY) [33]

06/30/2008 Answer to Complaint DEFENDANT MARY PETERSEN, INDIVIDUALLY AND AS TRUSTEE OF THE MARY PETERSEN FAMILY TRUST ANSWER TO USACM LIQUIDATING TRUST'S AND DTDF'S ORIGINAL COMPLAINT AND CLAIM OBJECTION (Related Doc # [1]) Filed by TIMOTHY R. O'REILLY on behalf of MARY PETERSEN FAMILY TRUST DTD 8/12/98, MARY PETERSEN (O'REILLY, TIMOTHY) [34]

06/30/2008 Answer to Complaint DEFENDANT KATHRYN PETERSEN, INDIVIDUALLY AND AS TRUSTEE OF THE KATHRYN L. PETERSEN LIVING TRUST AND THE KLP TRUST ANSWER TO USACM LIQUIDATING TRUST'S AND DTDF'S ORIGINAL COMPLAINT AND CLAIM OBJECTION (Related Doc # [1]) Filed by TIMOTHY R. O'REILLY on behalf of KATHRYN L. PETERSEN LIVING TRUST, KLP TRUST DTD 7/15/99, KATHRYN L PETERSEN (O'REILLY, TIMOTHY) [35]

08/26/2009 Order Continuing Status Hearing. Status hearing to be held on 10/5/2009 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg. (Related document(s)[1] Complaint filed by Plaintiff USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, Plaintiff USACM LIQUIDATING TRUST.) (rmb) [130]

Status Settlement Pending

3. Second Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bar USA Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: 08/18/2009 Second Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bar USA Loan with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7342]

Status No responses filed. The Trust will ask the Court to sustain the objection.

4. First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon the Investment in the La Hacienda Estate, LLC Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: First Omnibus Objection of USACM Trust to Proofs of Claim
07/29/2009 Based Upon the Investment in the La Hacienda Estate, LLC Loan
with Certificate of Service Filed by MARVIN C. RUTH on behalf
of USACM LIQUIDATING TRUST [7306]

Status No responses filed. The Trust will ask the Court to sustain the
objection.

**5. Second Omnibus Objection of USACM Trust to Proofs of Claim Based,
in Whole or in Part, Upon the Investment in the La Hacienda Estate, LLC Loan: 06-
10725-lbr, USA Commercial Mortgage Company, Chapter: 11**

Objection filed: Second Omnibus Objection of USACM Trust to Proofs of Claim
07/29/2009 Based Upon the Investment in the La Hacienda Estate, LLC Loan
with Certificate of Service Filed by MARVIN C. RUTH on behalf
of USACM LIQUIDATING TRUST [7308]

Status No responses filed. The Trust will ask the Court to sustain the
objection.

**6. Third Omnibus Objection of USACM Trust to Proofs of Claim Based,
in Whole or in Part, Upon the Investment in the La Hacienda Estate, LLC Loan: 06-
10725-lbr, USA Commercial Mortgage Company, Chapter: 11**

Objection filed: Third Omnibus Objection of USACM Trust to Proofs of Claim
07/29/2009 Based Upon the Investment in the La Hacienda Estate, LLC Loan
with Certificate of Service Filed by MARVIN C. RUTH on behalf
of USACM LIQUIDATING TRUST [7310]

Status No responses filed. The Trust will ask the Court to sustain the
objection.

**7. Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based,
in Whole or in Part, Upon the Investment in the La Hacienda Estate, LLC Loan: 06-
10725-lbr, USA Commercial Mortgage Company, Chapter: 11**

Objection filed: Fourth Omnibus Objection of USACM Trust to Proofs of Claim
07/29/2009 Based Upon the Investment in the La Hacienda Estate, LLC Loan
with Certificate of Service Filed by MARVIN C. RUTH on behalf
of USACM LIQUIDATING TRUST [7312]

Status No responses filed. The Trust will ask the Court to sustain the objection.

8. First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bar USA Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: First Omnibus Objection of USACM Trust to Proofs of Claim
08/18/2009 Based Upon Investment in the Bar USA Loan with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7340]

Status No responses filed. The Trust will ask the Court to sustain the objection.

9. Third Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bar USA Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Third Omnibus Objection of USACM Trust to Proofs of Claim
08/18/2009 Based Upon Investment in the Bar USA Loan with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7344]

Status No responses filed. The Trust will ask the Court to sustain the objection.

10. Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bar USA Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Fourth Omnibus Objection of USACM Trust to Proofs of Claim
08/18/2009 Based Upon Investment in the Bar USA Loan with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7346]

Status No responses filed. The Trust will ask the Court to sustain the objection.

11. Fifth Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Bar USA Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Fifth Omnibus Objection of USACM Trust to Proofs of Claim
08/18/2009 Based Upon Investment in the Bar USA Loan with Certificate of
Service Filed by MARVIN C. RUTH on behalf of USACM
LIQUIDATING TRUST [7348]

Status No responses filed. The Trust will ask the Court to sustain the
objection.

**12. Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based
Upon Investment in the Bar USA Loan: 06-10725-lbr, USA Commercial Mortgage
Company, Chapter: 11**

Objection filed: Sixth Omnibus Objection of USACM Trust to Proofs of Claim
08/18/2009 Based Upon Investment in the Bar USA Loan with Certificate of
Service Filed by MARVIN C. RUTH on behalf of USACM
LIQUIDATING TRUST [7350]

Status No responses filed. The Trust will ask the Court to sustain the
objection.

**13. Seventh Omnibus Objection of USACM Trust to Proofs of Claim Based,
in Whole or in Part, Upon the Investment in the Bar USA Loan: 06-10725-lbr, USA
Commercial Mortgage Company, Chapter: 11**

Objection filed: Seventh Omnibus Objection of USACM Trust to Proofs of Claim
08/18/2009 Based Upon Investment in the Bar USA Loan with Certificate of
Service Filed by MARVIN C. RUTH on behalf of USACM
LIQUIDATING TRUST [7352]

Status No responses filed. The Trust will ask the Court to sustain the
objection.

**14. Eighth Omnibus Objection of USACM Trust to Proofs of Claim Based,
in Whole or in Part, Upon the Investment in the Bar USA Loan: 06-10725-lbr, USA
Commercial Mortgage Company, Chapter: 11**

Objection filed: Eighth Omnibus Objection of USACM Trust to Proofs of Claim
08/18/2009 Based Upon Investment in the Bar USA Loan with Certificate of
Service Filed by MARVIN C. RUTH on behalf of USACM
LIQUIDATING TRUST [7354]

Status No responses filed. The Trust will ask the Court to sustain the objection.

15. Ninth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon the Investment in the Bar USA Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Ninth Omnibus Objection of USACM Trust to Proofs of Claim
08/18/2009 Based Upon Investment in the Bar USA Loan with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST [7356]

Status No responses filed. The Trust will ask the Court to sustain the objection.

16. Tenth Omnibus Objection to Claim of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon the Investment in the Bar USA Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Tenth Omnibus Objection to Claim of USACM Trust to Proofs of
08/18/2009 Claim Based, in Whole or in Part, Upon the Investment in the Bar USA Loan with Certificate of Service Filed by MARVIN C. RUTH on behalf of USACM LIQUIDATING TRUST (RUTH, MARVIN) [7358]

Status No responses filed. The Trust will ask the Court to sustain the objection.

17. Objection to Claim 10725-01551 of Jayem Family LP in the amount of \$265,285: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Objection to Claim 10725-01551 of Jayem Family LP in the
09/01/2009 amount of \$265,285 with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST (HINDERAKER, JOHN) [7409]

Status No response filed. The Trust will ask the Court to sustain the objection.

18. Eighteenth Omnibus Objection Of USACM Trust to Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Eighteenth Omnibus Objection Of USACM Trust to Proofs of
09/04/2009 Claim Based Upon Investment in the Bay Pompano Beach Loan
with Certificate of Service Filed by ROB CHARLES on behalf of
USACM LIQUIDATING TRUST [7440]

Status No responses filed. The Trust will ask the Court to sustain the
objection.

**19. Nineteenth Omnibus Objection Of USACM Trust to Proofs of Claim
Based Upon Investment in the Bay Pompano Beach Loan: 06-10725-lbr, USA
Commercial Mortgage Company, Chapter: 11**

Objection filed: Nineteenth Omnibus Objection of USACM Trust to Proofs of
09/04/2009 Claim Based, in Whole or in Part, Upon Investment in the Bay
Pompano Beach Loan with Certificate of Service Filed by
MARVIN C. RUTH on behalf of USACM LIQUIDATING
TRUST [7441]

Status No responses filed. The Trust will ask the Court to sustain the
objection.

**20. Motion to Approve Settlement Application to Compromise and Settle
Controversies in Adv. No. 08-01125: 06-10725-lbr, USA Commercial Mortgage
Company, Chapter: 11**

Objection filed: Motion to Approve Settlement Application to Compromise and
09/04/2009 Settle Controversies in Adv. No. 08-01125 with Certificate of
Service Filed by ALLAN B. DIAMOND on behalf of USACM
LIQUIDATING TRUST [7457]

Status No objections to the motion were filed. The Trust will ask the
Court to grant the motion.

**21. Motion to Approve Settlement Application to Compromise and Settle
Controversies in Adv. No. 08-01268: 06-10725-lbr, USA Commercial Mortgage
Company, Chapter: 11**

Objection filed: Motion to Approve Settlement Application to Compromise and
09/04/2009 Settle Controversies in Adv. No. 08-01268 with Certificate of
Service Filed by ALLAN B. DIAMOND on behalf of USACM
LIQUIDATING TRUST [7460]

Status No objections to the motion were filed. The Trust will ask the Court to grant the motion.

22. Motion to Extend Time to file Objection to Allowance of Claims: 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

Objection filed: Motion to Extend Time to file Objection to Allowance of Claims
09/04/2009 with Certificate of Service Filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [7474]

Status No objections to the motion were filed. The Trust will ask the Court to grant the motion.

Dated October 1, 2009.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker, AZ 18024
Rob Charles, NV 6593
John Hinderaker, AZ 18024 (*pro hac vice*)
Counsel for USACM Liquidating Trust

PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail postage prepaid on October 1, 2009 to the parties listed on Post-Effective Official Service List for Limited Notice No. 5 Dated March 31, 2009.

/s/ Leilani Lista
Leilani Lista
Lewis and Roca LLP